

DEC 04 2014

Dear Marlene H. Dorch,

ECC Mail Room

my name is Victor Russo, 146295. I am housed in the Alabama Department of Corrections (ADOC) at St. Clair Prison. The ADOC stiffled all forms of notice and opportunity to be heard "when you set the interstate phone rates. They should be required to post notices all over the prison, inmate newsletter and own their website."

In Alabama, the ADOC is "an administrative department, " an institution over which the department exercises control may not be leased, transferred or placed under the supervision or management of any nongovernmental entity without first obtaining the consent of the legislature through the passage of legislation by a majority vote of the membership of each house." 14-1-1,2, code 1975.

The ADOC cannot turn over a "wall" and tell a FreeWorld telephone company, "see how much you can make us off that little bit of space". The ADOC can not be regulated by the states Public Service Commission because ~~DOES NOT REGULATE A PRISON~~ it is a public utility Company.

The ADOC is the true owner of the inmate phone system in Alabama. They tell where the placement of the equipment, what feature the system will have, when, where and who we can't call.

Since the ADOC is ~~not~~ a utility company that is not regulated by the state P.S.C., the ADOC uses the phone provider as a front man to bring in the back door on what it could not bring in the front door by getting the phone provider to pose as the prison phone provider when in fact, they are simply a billing agent for the ADOC. It does not matter what

name you call it, "kick back", "location fee", "contractual agreement", "contact offering" or what ever you label it, its illegal. Because if the phone service provider can afford to give the ADOC money back off each call, they are charging too much to begin with. The service provider is allowed "to earn a just and reasonable return on their investment". Considering the system has paid for itself 1000 times over what it cost to install the system 15 plus years ago, The technology used when they install the system is the same technology they are using now.

The price that you have set for Interstate calling can be cut in half and that is still too much for a call. I think the ADOC should be required to by phone minutes at "wholesale". They can sell minutes at ~~cost~~ to the inmate. The secondary plan if for the inmate service provider to fill the void when the inmate just arrives at the Facility and needs to make a phone call home to let his family know that he has been transferred,

You have to consider this too: An inmate can pay \$300⁰⁰ for a 20⁰⁰ cell phone and put 50⁰⁰ a month plan on it and talk all he wants. The inmate with a cell phone can talk cheaper. So you have to compete with the cell phones rates. The inmate with a cell phone is not trying to get out of prison legally or illegally. They are trying to talk to a woman on a chat line with hopes that she will send him money or buy him a "Green Dot". They have to get that done within one hour or the chatline will start charging by the minute.

The ADOC cannot make a profit off every service they provide. The days of the Wall Street Banker or the

Venture Capitalist are over. They have to bite the bullet -
every once in awhile. You have to tell them that the
cost of running a prison,

And last, the ADOC is forbidden under Alabama
law to make money off the inmates and they use those
proceeds to offset or partially offset the cost of
the maintenance and up keep, including the payment
of medical cost, of an inmate sentenced to the custody
of the department, 14-3-30(b), code 1975.

I hope the two statutes I've cited will shed some
light on the fact the ADOC cannot make money off the
inmates unless the legislation gives it specific statutory
authority.

Sincerely
Victor J. Russo

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"This is a public comment"